

Adopted	Rejected
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COMMITTEE REPORT

YES:	9
NO:	3

MR. SPEAKER:

*Your Committee on Public Health, to which was referred Senate Bill 29, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 20-1-1.1-7, AS AMENDED BY P.L.206-2001,
- 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2004]: Sec. 7. (a) The department of education shall:
- 5 (1) establish the position of education consultant for health and
- 6 physical education; and
- 7 (2) hire an individual to perform the duties of education
- 8 consultant.
- 9 (b) The education consultant for health and physical education shall:
- 10 (1) plan and develop curriculum for health, **nutrition**, and
- 11 physical education for grades kindergarten through 12, **which**
- 12 **shall be broadly distributed to teachers and parents;** and
- 13 (2) perform other duties as the department designates.

(c) The department of education shall establish a program in health, **nutrition**, and physical education for children in grades kindergarten through 12. The purposes of this program are to encourage children to develop:

- (1) healthful living habits;
- (2) an interest in lifetime health and physical fitness; ~~and~~
- (3) decisionmaking skills in the areas of health and physical fitness; **and**
- (4) increased levels of physical activity consistent with guidelines established by the education consultant for health and physical education.**

(d) The program in health, **nutrition**, and physical education must include the following elements:

- (1) Local school program development.
- (2) Technical and inservice training assistance for local schools.
- (3) Local school initiatives in writing curricula in the areas of health and physical education.
- (4) Cardiopulmonary resuscitation training using a training program approved by the American Heart Association or an equivalent nationally recognized training program.
- (5) An outreach and communication plan to provide parents and students with current information and research on health, nutrition, and physical education issues.**

(e) In establishing the program in health and physical education, the department may give grants to or enter into contracts with individuals or school corporations to carry out the purposes of the program.

SECTION 2. IC 20-1-1.1-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 11. (a) The division of school and community nutrition programs of the department shall develop recommendations for use by school corporations in:**

- (1) determining the nutritional content of meals served in schools; and**
- (2) establishing policies concerning foods that are available to students in schools.**

(b) The following apply to recommendations developed under

subsection (a):

(1) The recommendations must be based on current nutritional science that has been demonstrated to help students:

(A) control excessive weight and weight gain;

(B) avoid unsafe weight loss practices;

(C) develop healthy eating habits; and

(D) avoid diseases caused by unsafe dietary habits.

(2) The recommendations may address the different health needs and peer influences of students in elementary school, middle school, and high school.

SECTION 3. IC 20-1-1.1-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 12. (a) The department, in consultation with the state department of health, shall develop and make available to school corporations model policies for the measurement of the body mass index of students or other measurement of fat composition.

(b) A student's body mass index may not be included on a student's report card.

(c) A student's body mass index shall be disclosed to the student's parent, guardian, or custodian upon request.

SECTION 4. IC 20-5-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 2.5. (a) As used in this section, "healthy food" means the following:

(1) A food item that has not more than thirty percent (30%) total calories from fat, excluding nuts and seeds.

(2) A food item that has not more than ten percent (10%) total calories from saturated fats.

(3) A food item that provides at least ten percent (10%) of the United States Food and Drug Administration's recommended daily value for one (1) of the following nutrients:

(A) Vitamin A.

1 (B) Vitamin C.

2 (C) Calcium.

3 (D) Iron.

4 (E) Protein.

5 (F) Fiber.

6 (b) As used in this section, "healthy beverage" means the
7 following:

8 (1) Water.

9 (2) Milk.

10 (3) Fruit drinks with at least fifty percent (50%) fruit juice.

11 (4) Vegetable drinks.

12 (c) After June 30, 2004, a vending machine that is located in an
13 area of an elementary school's grounds or buildings may not be
14 accessible to a student.

15 (d) This subsection does not apply to the following:

16 (1) Foods and beverages that are part of the United States
17 Department of Agriculture's breakfast and lunch programs.

18 (2) Foods and beverages that are sold in areas of the school
19 that are not accessible to students.

20 (3) Foods and beverages that are sold after normal school
21 hours.

22 After June 30, 2004, at least fifty percent (50%) of the foods and
23 beverages sold in a middle school and high school that are
24 available from each school group, organization, or department
25 must qualify as a healthy food or a healthy beverage.

26 SECTION 5. IC 20-5-13-10 IS ADDED TO THE INDIANA CODE
27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
28 1, 2004]: Sec. 10. (a) Each school board shall adopt a nutritional
29 integrity policy that includes the following:

30 (1) A nutrition education curriculum consistent with
31 curriculum and programs developed under IC 20-1-1.1-7.

32 (2) The incorporation of healthy dietary practices into the
33 school corporation's meal program and the sale of other
34 foods in the school.

35 Before adopting a policy, the school board must provide an

1 opportunity for parents and community members to comment on
2 the policy.

3 (b) The following apply to a nutritional integrity policy adopted
4 under subsection (a):

5 (1) The policy must focus on helping students:

6 (A) control excessive weight and weight gain;

7 (B) avoid unsafe weight loss practices;

8 (C) develop healthy eating habits; and

9 (D) avoid diseases caused by unsafe dietary habits.

10 (2) The policy may address the different health needs and
11 peer influences of students in elementary school, middle
12 school, and high school.

13 (c) If foods that are not a part of the school corporation's meal
14 program are sold in a school, the nutritional integrity policy
15 adopted under subsection (a) must include the following:

16 (1) At least fifty percent (50%) of the foods available must
17 qualify as healthy foods under the standards set in the
18 nutritional integrity policy and guidelines established by the
19 United States Department of Agriculture.

20 (2) Foods that do not qualify as healthy may be available for
21 sale only at times and in locations that do not interfere with
22 the service of meals.

23 (3) Prices set for foods that qualify as healthy and foods that
24 do not qualify as healthy must be competitive.

25 (d) A school board:

26 (1) shall review; and

27 (2) may revise;

28 a nutritional integrity policy adopted under subsection (a) at least
29 every other school year.

30 SECTION 6. IC 20-10.1-4-5.5 IS ADDED TO THE INDIANA
31 CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2004]: Sec. 5.5. (a) This section does not apply to:

33 (1) students who are in half-day kindergarten; or

34 (2) a student who has a medical condition that precludes
35 participation in the daily physical activity provided under this

1 **section.**

2 **(b) Beginning in the 2004-2005 school year, the governing body**
 3 **of each school corporation shall provide at least thirty (30)**
 4 **minutes of daily physical activity for students in elementary**
 5 **school. The physical activity must be consistent with the**
 6 **curriculum and programs developed under IC 20-1-1.1-7 and may**
 7 **include the use of recess. Available physical activity alternatives**
 8 **must be used on days of inclement weather conditions.**

9 **SECTION 7. [EFFECTIVE APRIL 1, 2004] IC 20-5-2-2.5, as**
 10 **added by this act, does not apply to a contract that:**

- 11 **(1) was executed before April 1, 2004;**
 12 **(2) is in existence on April 1, 2004; and**
 13 **(3) requires a governing body to allow the sale of:**
 14 **(A) soft drinks and similar beverages; and**
 15 **(B) food;**
 16 **with no or low nutritional value, as defined by the United**
 17 **States Department of Agriculture, from vending machines or**
 18 **other dispensing units during school hours.**

19 **However, the governing body may not renew a contract described**
 20 **in this SECTION and, after the contract expires, must comply with**
 21 **IC 20-5-2-2.5, as added by this act.**

22 **SECTION 8. An emergency is declared for this act.**
 (Reference is to SB 29 as printed January 30, 2004.)

and when so amended that said bill do pass.

Representative Brown C